

CHAPTER 7
BUILDING AND
CONSTRUCTION REGULATIONS

ARTICLE I. BUILDING CODE.

Sec. 7-1	Short Title.
Sec. 7-2	Purpose.
Sec. 7-3	Application over all Buildings and Structures.
Sec. 7-4	Definition.
Sec. 7-5	Building Commissioner to Enforce.
Sec. 7-6	Entry Powers.
Sec. 7-7	Compliance Required.
Sec. 7-8	Application of other Ordinances.
Sec. 7-9	Standards and Practices in the Trade.
Sec. 7-10	Adoption of Building Rules.
Sec. 7-11	Permit Required.
Sec. 7-12	Permit Application and Review.
Sec. 7-13	Three (3) Inspections Required.
Sec. 7-14	Fees.
Sec. 7-15	Certificate of Occupancy.
Sec. 7-16	Stop Work Orders.
Sec. 7-17	Appeals.
Sec. 7-18	Violations.
Sec. 7-19	through 7-23 Reserved for Future Use.

ARTICLE II. UNSAFE BUILDING LAW.

Sec. 7-24	Greenwood Unsafe Building Law.
Sec. 7-25	Definitions.
Sec. 7-26	Statutes Adopted.
Sec. 7-27	Compliance Required.
Sec. 7-28	Nuisance Declared; Abatement Required.
Sec. 7-29	Enforcement Authority.
Sec. 7-30	Additions to Definition of Unsafe Building.
Sec. 7-31	Standards and Practices in the Trade.
Sec. 7-32	Hearing Authority Designated.
Sec. 7-33	Unsafe Building Fund.
Sec. 7-34	Board of Public Works and Safety to Administer Bids and Contracts.
Sec. 7-35	through 7-39 Reserved for Future Use.

ARTICLE III. MISCELLANEOUS REGULATIONS.

Sec. 7-40	Placement of Building Materials on Public Ways Prohibited.
Sec. 7-41	Permits Required to Erect Poles and Wires.
Sec. 7-42	Awnings Installation Requirements.
Sec. 7-43	Driveway Permit.
Sec. 7-44	Sidewalk Project Fund.
Sec. 7-45	Excavation Permit Required.
Sec. 7-46	Maintenance of Excavations.
Sec. 7-47	Numbering of Buildings Required.
Sec. 7-48	through 7-60 Reserved for Future Use.

****Pages 530 and 531 Reserved for Future Use.**

CHAPTER 7

BUILDING AND CONSTRUCTION REGULATIONS

ARTICLE I. BUILDING CODE.¹

Sec. 7-1 Short Title.²

This Article, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the City of Greenwood, Indiana,” and may be cited as such. (Ord. No. 81-38, § 1, 12-22-81; *1983 Greenwood Municipal Code*, § 4-16)

Sec. 7-2 Purpose.

The purpose of this Article is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures. (Ord. No. 81-38, § 2, 12-22-81; *1983 Greenwood Municipal Code*, § 4-17)

Sec. 7-3 Application over all Buildings and Structures.

The provisions of this Code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other industrialized building systems or mobile structures certified under *I.C.*, 22-15-4, within the jurisdiction of the Greenwood Plan Commission. (Ord. No. 88-29, § 1, 6-6-88)

Sec. 7-4 Definition.

For the purposes of this Article, initiation of construction shall be defined as the placing in permanent position of concrete, concrete blocks, poles, lumber or other materials for the purpose and intent of creating a building or structure including the excavation of earth necessary for the placement of such materials. (Ord. No. 81-38, § 9, 12-22-81; *1983 Greenwood Municipal Code*, § 4-19)

Sec. 7-5 Building Commissioner to Enforce.

The Building Commissioner is authorized and directed to administer and enforce all of the provisions of this Article. Whenever in this Article it is provided that anything must be done to

¹ *I.C.*, 36-7-2-9, authorizes the City to require compliance with building laws and orders.

² *I.C.*, 22-13-2-1, authorizes political subdivisions to exercise their statutory powers to regulate buildings, structures, and other property.

§ 7-5 BUILDING AND CONSTRUCTION REGULATIONS § 7-9

the approval of or subject to the direction of the Building Commissioner or any other officer of the Department of Planning and Zoning, this shall be construed to give such officer only the discretion of determining whether this Article has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Article shall be, or power to require conditions not prescribed by ordinance or to enforce this Article in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under *I.C.*, 22-13-2-7(b). (Ord. No. 88-29, § 2, 6-6-88)

Sec. 7-6 Entry Powers.

Subject to constitutional limitations, upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by this Article. (Ord. No. 81-38, § 14, 12-22-81; *1983 Greenwood Municipal Code*, § 4-21)

Sec. 7-7 Compliance Required.

It shall be unlawful for any person, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the City, or cause or permit the same to be done, contrary to or in violation of the provisions of this Article. (Ord. No. 81-38, § 18, 12-22-81; *1983 Greenwood Municipal Code*, § 4-22)

Sec. 7-8 Application of other Ordinances.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances. (Ord. No. 81-38, § 10, 12-22-81; *1983 Greenwood Municipal Code*, § 4-23)

Sec. 7-9 Standards and Practices in the Trade.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Ord. No. 81-38, § 17, 12-22-81; *1983 Greenwood Municipal Code*, § 4-24)

§ 7-10 BUILDING AND CONSTRUCTION REGULATIONS § 7-10

Sec. 7-10 Adoption of Building Rules.³

(a) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the *Indiana Administrative Code* are incorporated by reference in this *Code* and shall include later amendments to those Articles as the same are published in the *Indiana Register* or the *Indiana Administrative Code* with effective dates as fixed therein:

(1) Article 13 - Building Codes.

- (a) Fire and Building Safety Standards.
- (b) Indiana Building Code.
- (c) Indiana Building Code Standards.
- (d) Indiana Handicapped Accessibility Code.

(2) Article 14 - One and Two Family Dwelling Codes.

- (a) Council of American Building Officials One and Two Family Dwelling Code.
- (b) CABO One and Two Family Dwelling Code; Amendments.
- (c) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16 - Plumbing Codes.

Indiana Plumbing Code

(4) Article 17 - Electrical Codes

- (a) Indiana Electrical Code.
- (b) Safety Code for Health Care Facilities

(5) Article 18 - Mechanical Codes.

Indiana Mechanical Code.

(6) Article 19 - Energy Conservation Code.

- (a) Indiana Energy Conservation Code.
- (b) Modifications to the Model Energy Code.

(7) Article 20 - Swimming Pool Codes.

Indiana Swimming Pool Code (Ord. No. 88-29, § 3, 6-6-88)⁴

³ *I.C.*, 22-13-2-3, authorizes Cities to adopt ordinances which include more stringent or detailed requirements which do not conflict with the rules of the Fire Prevention and Building Safety Commission; and *I.C.*, 22-13-2-5, requires ordinances which address a fire safety law or a building law to be approved by the Commission.

⁴ *I.C.*, 36-1-5-4, addresses adoption of documents by reference.

§ 7-10 BUILDING AND CONSTRUCTION REGULATIONS § 7-14

(b) Two (2) copies of the rules, regulations and codes adopted herein by reference are on file as required by law in the office of the Clerk-Treasurer for public inspection. (Ord. No. 81-38, § 5, 12-22-81; *1983 Greenwood Municipal Code*, § 4-25(b))

Sec. 7-11 Permit Required.

A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, as required by the Greenwood Zoning Ordinance, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, or other designated personnel of the Department of Planning and Zoning, and all fees provided for herein shall be paid to the City. The Building Commissioner shall make regular deposits to the office of the Clerk-Treasurer. (Ord. No. 81-38, § 7, 12-22-81; *1983 Greenwood Municipal Code*, § 4-26)

Sec. 7-12 Permit Application and Review.

No permit required by this Article shall be issued unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the state must also be filed in accordance with state law and regulations. In addition, a copy of a design release, issued by the State Building Commissioner and State Fire Marshall pursuant to *I.C.*, 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such design release. (Ord. No. 88-29, § 4, 6-6-88)

Sec. 7-13 Three (3) Inspections Required.

After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this Article and the terms of the permit. It shall be the responsibility of the person or persons obtaining a permit to notify the Building Commissioner that the building or structure for which the permit has been obtained is ready for inspection. The permit holder shall notify the Building Commissioner for a minimum of three (3) inspections:

(a) Footing;

(b) Rough-in; and

(c) Final. (Ord. No. 81-38, § 13, 12-22-81; *1983 Greenwood Municipal Code*, § 4-28)

Sec. 7-14 Fees.

Fees charged for various permits shall be in accordance with the official permit fee schedule as adopted by the Common Council and set forth in Section 4-65 of this *Code*. Any person who shall initiate construction of a structure prior to obtaining an improvement location

§ 7-14 BUILDING AND CONSTRUCTION REGULATIONS § 7-23

permit or any other required permit shall pay twice the amount of the current permit fee as established by the Common Council. (Ord. No. 81-38, §§ 8, 11, 12-22-81; *1983 Greenwood Municipal Code*, § 4-29)

Sec. 7-15 Certificate of Occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired after December 22, 1981, shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this Article. The permit holder shall be responsible for requesting a final inspection and receiving a certificate of occupancy from the Building Commissioner prior to allowing a building or structure or to be occupied. It shall be unlawful to occupy any such building or structure or allow it to be occupied unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. (Ord. No. 88-29, § 5, 6-6-88)

Sec. 7-16 Stop Work Orders.

Whenever any work is being done contrary to the provisions of this Article, the Building Commissioner may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work. (Ord. No. 81-38, § 15, 12-22-81; *1983 Greenwood Municipal Code*, § 4-31)

Sec. 7-17 Appeals.

All persons shall have the right to appeal the Building Commissioner's decision first to the Plan Commission, and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of *I.C.*, 22-13-2-7, and *I.C.*, 4-21-5-3-7. (Ord. No. 88-29, § 6, 6-6-88)

Sec. 7-18 Violations.

(a) The Building Commissioner may, in the name of and with the approval of, the Greenwood Plan Commission, bring actions in the appropriate courts of the county for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order made by the Building Commissioner. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Article.

(b) If any person shall violate any of the provisions of this Article, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this Article, for each such violation, failure or refusal, such person shall be guilty of an offense. (Ord. No. 81-38, § 21, 12-22-81; *1983 Greenwood Municipal Code*, § 4-33)

Sec. 7-19 through 7-23 Reserved for Future Use.

§ 7-24 BUILDING AND CONSTRUCTION REGULATIONS § 7-27

ARTICLE II. UNSAFE BUILDING LAW.

Sec. 7-24 Greenwood Unsafe Building Law.

Under the provisions of *I.C.*, 36-7-9-3, there is established the Greenwood Unsafe Building Law. (Ord. No. 82-29, §1, 1-3-83; *1983 Greenwood Municipal Code*, § 4-46)

Sec. 7-25 Definitions.⁵

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) **ENFORCEMENT AUTHORITY** refers to the Building Commissioner and/or the director of the Department of Planning and Zoning.

(b) **HEARING AUTHORITY** refers to the Plan Commission as the body designated to conduct hearings in accordance with *I.C.*, 36-7-9-7 and Section 7-32 of this *Code*.

(c) **SUBSTANTIAL PROPERTY INTEREST** means any right in real property that may be affected in a substantial way by actions authorized by this Chapter, including a fee interest, a life estate, a future interest, a present possessory interest, or an equity interest of a contract purchaser. (Ord. No. 82-29, § 12, 1-3-83; *1983 Greenwood Municipal Code*, § 4-47)

Sec. 7-26 Statutes Adopted.

I.C., 36-7-9-1 through *I.C.*, 36-7-9-28, as amended, together with all hearing requirements, is adopted by reference as the Greenwood Unsafe Building Law. All proceedings within the City for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this Article. In the event the provisions of this Article conflict with the provisions of *I.C.*, 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. No. 82-29, § 2, 1-3-83; *1983 Greenwood Municipal Code*, § 4-48)

Sec. 7-27 Compliance Required.

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Article or any order issued by the Building Commissioner. (Ord. No. 82-29, § 10, 1-3-83; *1983 Greenwood Municipal Code*, § 4-49)

⁵ *I.C.*, 36-7-9-2, sets forth the state law definitions in this area.

§ 7-28 BUILDING AND CONSTRUCTION REGULATIONS § 7-30

Sec. 7-28 Nuisance Declared; Abatement Required.

All buildings, or portions thereof within the City which are determined after inspection by the Building Commissioner to be unsafe as defined in this Article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Article. (Ord. No. 82-29, § 3, 1-3-83; *1983 Greenwood Municipal Code*, § 4-50)

Sec. 7-29 Enforcement Authority.⁶

(a) The Enforcement Authority shall, after consultation with appropriate City officials and/or agencies, be authorized to administer and to proceed under the provisions of this Article in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(b) Wherever in the building regulations of the City or in this Article, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Planning Department, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner. (Ord. No. 82-29, §§ 4, 5, 1-3-83; *1983 Greenwood Municipal Code*, § 4-51)

Sec. 7-30 Additions to Definition of Unsafe Building.

The definition of an unsafe building contained in *I.C.*, 36-7-9-4, is supplemented to provide minimum standards for building conditions or maintenance in the City, by adding the following to said definition:

Any building or structure which has any or all of the unsafe conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:

(a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not arranged as required so as to be in compliance with the applicable building code then in force;

(b) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half (1-1/2) times the working stress or stresses allowed for new buildings of similar structure, purpose or location as established by the applicable Indiana State Building Code then in force;

⁶ *I.C.*, 36-7-9-5, sets forth types of actions permitted under orders of the Enforcement Authority.

§ 7-30 BUILDING AND CONSTRUCTION REGULATIONS § 7-30

(c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such extent that the structural strength or stability thereof is materially less than it was before such catastrophe, and less than the minimum requirements for new buildings of similar structure, purpose or location as established by the applicable Indiana State Building Code then in force.

(d) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(e) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings as established by the applicable Indiana State Building Code then in force.

(f) Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(g) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause; is likely to partially or completely collapse.

(h) Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(i) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.

(l) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the City, or of any law or ordinances of this state or county relating to the condition, location, or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any nonsupporting part, member, or portion less than fifty

§ 7-30 BUILDING AND CONSTRUCTION REGULATIONS § 7-33

(50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly-constructed building of like area, height, and occupancy in the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resisting construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Commissioner to be a fire hazard.

(p) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereon an attractive nuisance or hazard to the public. (Ord. No. 82-29, § 6, 1-3-83; *1983 Greenwood Municipal Code*, § 4-52)

Sec. 7-31 Standards and Practices in the Trade.

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one- and two-family dwellings, promulgated by the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this Article or orders issued pursuant to this Article by the Building Commissioner. (Ord. No. 82-29, § 7, 1-3-83; *1983 Greenwood Municipal Code*, § 4-53)

Sec. 7-32 Hearing Authority Designated.

The Plan Commission is hereby designated the hearing authority in accordance with the provisions of *I.C.*, 36-7-9-7, and for the purpose of conducting hearings in accordance with *I.C.*, 36-7-9-7. (Ord. No. 82-29, § 8, 1-4-83; *1983 Greenwood Municipal Code*, § 4-54)

Sec. 7-33 Unsafe Building Fund.

An Unsafe Building Fund is established in the operating budget of the Board of Public Works and Safety in accordance with the provisions of *I.C.*, 36-7-9-14. This fund is also addressed in Section 2-99 of this *Code*. (Ord. No. 82-29, § 9, 1-4-83; *1983 Greenwood Municipal Code*, § 4-55)

§ 7-34 BUILDING AND CONSTRUCTION REGULATIONS § 7-42

Sec. 7-34 Board of Public Works and Safety to Administer Bids and Contracts.

It shall be the responsibility of the Board of Public Works and Safety to administer any bids for or demolition contracts awarded pursuant to the provisions of this Article. (Ord. No. 82-29, § 9, 1-4-83; 1983 Greenwood Municipal Code, § 4-55)

Sec. 7-35 through 7-39 Reserved for Future Use.

ARTICLE III. MISCELLANEOUS REGULATIONS.

Sec. 7-40 Placement of Building Materials on Public Ways Prohibited.⁷

(a) No person shall place building materials upon any street, alley or sidewalk without permission of the City Engineer and subject to such conditions as may be prescribed by the City. Where necessary to properly protect the public in the nighttime, lighted amber lamps shall be placed about such materials. The City Engineer shall grant such permission if the public health and safety will not be endangered thereby.

(b) Any such contractor or employee thereof or the owner, if the owner is working on his own land, who fails to remove the building materials after the use of the streets is not authorized, shall be liable for the cost of such removal. The City, by and through its Street Department, may remove the same and the cost of such removal shall be charged against the property upon which such construction or other work is being done and the same shall become a lien upon such property in the manner in which taxes become a lien.

(c) This Section shall not apply to garbage or trash. (*Code* 1968, § 3.04; Ord. No. 82-2, § 2, 2-15-82; 1983 Greenwood Municipal Code, § 4-2)

Sec. 7-41 Permits Required to Erect Poles and Wires.

No person shall erect or maintain any poles or wires on or over any street, alley or other public way unless permitted by the Board of Public Works and Safety. (*Code* 1968, § 3.12; 1983 Greenwood Municipal Code, § 15-10)

Sec. 7-42 Awnings Installation Requirements.

No person shall erect or maintain any awning over any sidewalk unless all parts of the awning are at least eight (8) feet above the surface of the sidewalk. (*Code* 1968, § 3.13; 1983 Greenwood Municipal Code, § 15-11)

⁷ I.C., 36-1-6-2, authorizes the obtaining of a lien for correction of an ordinance violation.

§ 7-43 BUILDING AND CONSTRUCTION REGULATIONS § 7-44

Sec. 7-43 Driveway Permit.

No person shall construct a driveway across any sidewalk in the City without a permit from the City Engineer. No permit for the construction of a driveway onto a street for commercial use, or the habitual use of any by other than the owner or occupant of the premises served, shall be issued except upon the order of the Plan Commission. The Plan Commission shall order the issuance of such a permit if the proposed work will comply with accepted engineering practices. (*Code* 1968, § 3.19; *1983 Greenwood Municipal Code*, § 15-13)

Sec. 7-44 Sidewalk Project Fund.

(a) There is created a project called the "City Sidewalk Project", and a special nonreverting operating fund is created and named the "**Sidewalk Project Fund.**"

(b) Expenditures shall be made from the Sidewalk Project Fund without appropriation and only upon approved claims, allowed and signed by the Board of Public Works and Safety.

(c) The repair and/or replacement of sidewalks under this project is on a voluntary basis and available to all owners of real estate in the City.

(d) The specifications and conditions of the repair and/or replacement of the sidewalks shall be subject to and consistent with the approval of the Board of Public Works and Safety, the Subdivision Control Ordinance and the Building Code of the City.

(e) Whenever a sidewalk is to be repaired or replaced in conjunction with the City Sidewalk Project, one-half (1/2) of the cost of said repair or replacement should be paid by the City from the Sidewalk Project Fund, and the balance of the cost thereof should be paid by the affected property owner.

(f) The City Sidewalk Project shall be administered through the Board of Public Works and Safety, and all monies collected under this project from affected property owners shall be paid to the office of the Clerk-Treasurer, who shall issue a receipt therefor and deposit such monies into the Sidewalk Project Fund.

(g) The City shall obtain a signed, written agreement with each affected property owner indicating the cost of repair, replacement or construction of the sidewalk and the method of payment thereon.

(h) The cost of repair or replacement of sidewalks as a result of the City Sidewalk Project shall be governed by the price of concrete work found in the bid of that contractor whose bid was accepted for general street repair and/or concrete work for the year in which said sidewalk is to be repaired or replaced. The aforesaid repair or replacement of sidewalks shall be done by a contractor whose bid is submitted and accepted, if bids are required, and if no bid is required, then by a contractor to be selected by the Board of Public Works and Safety.

(i) The City Sidewalk Project shall be in full force and effect so long as there are funds available for its implementation and continuation. In the event that no funds are appropriated for the

§ 7-44 BUILDING AND CONSTRUCTION REGULATIONS § 7-46

implementation or continuation of said project or in the event that after such appropriations, all funds are expended prior to the expiration of any fiscal year, then there shall be no further repair and/or replacement undertaken pursuant to this Section until additional appropriations are made. Nothing in this Section shall be construed as requiring the Common Council to fund this project nor shall any liability be imposed upon the City for its failure to do so. (Ord. No. 82-6B, §§1—9, 5-3-82; 1983 *Greenwood Municipal Code*, § 15-1)

(j) This fund is also addressed in Section 2-100 of this *Code*.

Sec. 7-45 Excavation Permit Required.⁸

(a) No person shall make an excavation in or under any street, alley, sidewalk or right-of-way of the City without paying a fee of Twenty-Five Dollars (\$25.00) and obtaining a written permit so to do; provided, however, that in the case of a local utility such fee shall be Ten Dollars (\$10.00).

(b) Such permit shall be issued only upon a written application with the Planning Department signed by the person desiring to make the excavation. The application shall describe the place where the excavation is proposed to be made and shall specify the purpose for which the excavation is to be made, and when the proposed excavation is proposed to begin and when the excavation is to be refilled and completed.

(c) The application for a permit shall contain an undertaking on the part of the person proposing to make the excavation in the amount of One Thousand Dollars (\$1,000.00), in favor of the City, that in consideration of being permitted to make such excavation, such person shall leave the street, sidewalk, alley, or right-of-way in as good condition as the same was in when the work was commenced, and that he will at all times keep the place where such excavation is made properly guarded by day and lighted by night, so as to sufficiently warn travelers, and will save the City harmless from any and all damages, costs and charges that may accrue from applicant's use of such street, sidewalk, alley or right-of-way; and that the applicant will further abide by all regulations relating thereto, as may be required by the Board of Public Works and Safety; provided, however, that in the case of a local utility such undertaking shall be Five Hundred Dollars (\$500.00). In lieu of an undertaking as required above, any person contemplating making repeated street cuts may present a proposed indemnifying agreement, which agreement, if satisfactory to the Board of Public Works and Safety, may be accepted in lieu of a bond. (*Code* 1968, § 3.06(a)—(c); 1983 *Greenwood Municipal Code*, § 15-26)

Sec. 7-46 Maintenance of Excavations.

The person to whom an excavation permit is issued pursuant to Section 7-45 shall maintain and make good all settlements of the excavation occurring within ninety (90) days after the excavation and shall be liable for all damages resulting from failure so to do. (*Code* 1968, § 3.06(d); 1983 *Greenwood Municipal Code*, § 15-27)

⁸ I.C., 36-9-2-5, authorizes Cities to establish, vacate, maintain, and operate public ways.

§ 7-47 BUILDING AND CONSTRUCTION REGULATIONS § 7-60

Sec. 7-47 Numbering of Buildings Required.

(a) Buildings in the City shall be numbered as follows:

(1) On streets running due north and south or any angle varying to the east and west thereof, and commencing at Broadway Street, one hundred (100) numbers shall be assigned to each space ending or closely approximating one of the original squares of the City including the longer line of diagonal streets, and such numbers shall be assigned whether the lots fronting on the defined spaces are built upon or not. The odd numbers shall be placed upon the buildings erected upon the east side and the even numbers upon buildings erected upon the west side of said north and south streets, beginning with numbers 1 and 2 at Broadway Street and numbering from thence north and south on each street so running north and south or at an angle to the east or west thereof.

(2) On streets running due east and west or at an angle varying to the north or south thereof and commencing at Meridian Street, one hundred (100) numbers shall be assigned to each space ending or closely approximating one of the original squares of the City including the longer line of diagonal streets, and such numbers shall be assigned whether the lots fronting on the defined spaces are built upon or not. The odd numbers shall be placed upon the buildings erected upon the south side and the even numbers upon buildings erected upon the north side of said east and west streets, beginning with numbers 1 and 2 at Meridian Street and numbering from thence east and west on each street so running east and west or at an angle to the north and south thereof.

(3) All buildings located immediately north, south, east or west of any cross street and occupying the corner lot, shall be numbered an even hundred (100) or hundred and one (101), and all buildings located north, south, east or west of any cross alley and occupying the alley corner shall be numbered the appropriate one hundred fifty (150) or one hundred fifty-one (151).

(b) The numbers shall be provided by the owner of the parcel to be numbered and such numbers shall be at least four (4) inches in height. (*Code* 1968, § 3.02; *1983 Greenwood Municipal Code*, § 13-4) (See Also Sec. 6-142 through 6-145 of this *Code*, addressing "Address and Premises Identification")

Sec. 7-48 through 7-60 Reserved for Future Use.

****Pages 545 through 561 Reserved for Future Use.**